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31165.21955

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Lipton Investments, Inc. and)
CONOPCO, Inc. dba Slim-Fast)
Foods Company)
Opposer,)
v.)
LifeMax, LLC)
Applicant.)

Opposition No. 91154020

Mark: **THIN FAST MINTS**

Serial No.: 76/253,981

Filing Date: May 8, 2001

Published: September 24, 2002

ANSWER TO NOTICE OF OPPOSITION

Applicant, LifeMax LLC, an Ohio corporation with its principal place of business located at 251 West Garfield Road, Suite 200, Aurora, Ohio 44202, hereby Answers the Notice of Opposition of Lipton Investments, Inc. and Conopco, Inc. dba Slim-Fast Foods Company and admits, denies and alleges as follows:

DD

1. Applicant is without sufficient information to admit or deny that Opposer Lipton Investments, Inc. is the owner of United States Trademark Registration Nos. 1,102,508, 1,288,616, 1,358,816, 1,596,001, 1,714,573, and 1,888,193 and, therefore, denies the same. Applicant is without information sufficient to admit or deny that the above-listed registrations are valid, subsisting, unrevoked, and uncanceled and, therefore, denies the same. Applicant denies that the trademarks SLIM-FAST and ULTRA SLIM-FAST are famous.
2. Applicant is without information sufficient to admit or deny the allegations set forth in Paragraph 2 of the Opposition and, therefore, denies the same.
3. Applicant is without information sufficient to admit or deny the length of time that Opposers have used the above-listed trademarks. Applicant admits that the above-listed trademarks are used in association with "meal replacement food and beverage products." Further answering, Opposers' marks are used in association with food and beverage products that do not contain appetite suppressants. As set forth on Opposers' Internet site www.slim-fast.com, "Slim-Fast is food. It is not a drug or an appetite suppressant... [Slim-Fast] contain **no** drugs, stimulants or appetite suppressants... There is nothing in Slim Fast to suppress your appetite, as there are no drugs or stimulants." (Emphasis in the original) A copy of the pertinent Internet pages containing these references is attached as Exhibit A. Applicant denies that the trademarks SLIM-FAST and ULTRA SLIM-FAST are, or at any time have been, famous.
4. Applicant admits that it filed a United States trademark application for the mark THIN FAST MINTS under the Intent to Use provisions of the Trademark Act, 15

U.S.C. § 1051 *et seq.* on or about May 8, 2001. Further answering, Applicant's application recites Applicant's intent to use the trademark THIN FAST MINTS in association with the goods and services of "mints, candy, and chewing gum **containing appetite suppressants.**" (Emphasis added.) A copy of Applicant's pending registration for the trademark THIN QUICK MINTS is attached as Exhibit B.

5. Applicant admits the allegations contained in Paragraph 5 of the Opposition.
6. Applicant denies the allegations contained in Paragraph 6 of the Opposition.

Further answering, Applicant states that its trademark THIN QUICK MINTS is significantly dissimilar to Opposers' trademarks SLIM-FAST and ULTRA SLIM-FAST and, therefore, is unlikely to cause confusion with Opposers' trademarks. Applicant's trademark includes the term "MINTS," which is absent from Opposers' trademarks. Inclusion of the term "MINTS" in Applicant's trademark distinguishes its mark from Opposers' marks, particularly since Opposers do not manufacture, advertise or sell mints under their trademarks, only "meal replacement foods and beverages." On information and belief, Opposers have never used the term "THIN" to replace "SLIM" on any product bearing their trademarks and consumers familiar with Opposers' products would not likely be confused into believing that Opposers would produce or authorize a trademarked product bearing the word "THIN" in place of "SLIM." Further answering, Applicant's trademark is associated with goods that are substantially different from those bearing Opposers' trademarks. Specifically, Applicant's goods are gum, candy, and mints containing appetite suppressants. See Exhibit B.

Opposers' goods are admitted to be meal **replacement** foods and beverages that, as advertised and promoted, do not contain appetite suppressants. Applicants' goods are not intended to replace entire meals; it is not intended that Applicant's products be relied upon as a sole source of nutrition for one or more meals.

Applicant's goods also contain appetite suppressants, which Opposers' have disavowed in their products – choosing specifically to tout the lack of appetite suppressants and stimulants in their products as a beneficial feature and a selling point of their products. See Exhibit A. In this way, consumers of Opposers' goods are unlikely to be confused with consumers of Applicant's goods.

7. Applicant denies the Allegations contained in Paragraph 7 of the Opposition.

AFFIRMATIVE DEFENSES

8. Opposers are estopped from asserting the allegations and claims set forth in the Opposition.
9. Opposers have unclean hands and are, therefore, precluded from obtaining the relief demanded in the Opposition.
10. Applicant's trademark is not likely to cause confusion with Opposers' trademarks.

Applicant's trademark is dissimilar in look, meaning, and commercial impression than Opposers' trademarks and is associated with substantially different goods and services than are Opposers' trademarks.

11. Opposers' trademarks are not famous as defined under the Trademark Act, 15 U.S.C. § 1125 and thus are not diluted by Applicant's trademark.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice at Opposers' cost and United States trademark application Serial No. 76/253,981 be affirmed.

Respectfully submitted,



Daniel A. Thomson, Esq.
Brouse McDowell
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Akron, Ohio 44308-1147
(330) 535-9999

Enclosures
Our Ref.: 31165.21955

CERTIFICATION UNDER 37 CFR 1.10

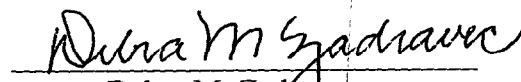
I hereby certify that this ANSWER TO NOTICE OF OPPOSITION is being deposited with the United States Postal Service on this date November 15, 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL660537005 US addressed to the Assistant Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513


Debra M. Zadravec

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of February, 2003, a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by first-class mail, postage prepaid, upon counsel for Opposers:

Gregory P. Gulia, Esq.
380 Lexington Avenue
New York, New York 10168


Debra M. Zadravec

#509991 v1

Exhibit A



We've just enrolled club member 1,123,616

November 12, 2002

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EN ESPAÑOL

Elizabeth DeRobertis, M.S., R.D., C.D.N.
Suzanne Kokkins, R.D.
Jaimie Lobell, M.S., R.D.

Q. My doctor has said it's OK to start losing weight after the birth of my baby. Can I use Slim-Fast?

Answer

Q. Can I use Slim-Fast while I'm breast feeding?

Answer

Q. How do I jumpstart my weight loss?

Answer

Q. How do I know if I am ready to lose weight?

Answer

Q. What are the benefits of trimming down?

Answer

Q. Once I reach my goal, how do I maintain my weight?

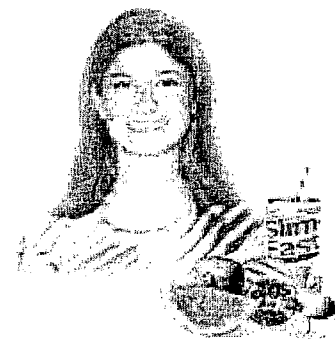
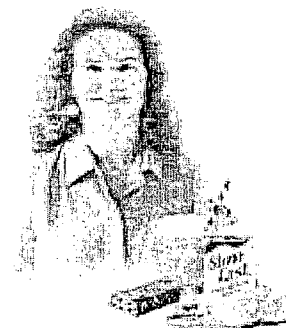
Answer


Q. I used Slim Fast for several days and didn't lose much weight. Why?

Answer

Q. How long can I use Slim-Fast ?


Answer



 CANADA


Q. Can I use Slim•Fast if I'm taking medication for weight loss?

Answer

 CHILE


Q. How much fiber do I need? Does fiber cause gas?


Answer

 NETHERLANDS

Q. Do I need special foods for exercise? What about Slim•Fast?


Answer

 GERMANY

 AUSTRALIA

Q. For the Slim•Fast sensible dinner, you recommend having 1/2 baked potato as part of the meal. Since I don't care for potatoes, can I substitute something else?

Answer

 FRANCE

 UNITED KINGDOM

Q. I am on the Slim•Fast Plan for weight loss and usually have my sensible meal in the evening with my family. But sometimes I have a business meeting and luncheon. What do I do on these days?

Answer

Q. As a woman, I am naturally concerned about getting adequate calcium for my bones. I love cheese, which is rich in calcium, but also high in fat.

Fat-free cheeses are a great idea, but don't always taste terrific. How can I make sure I get the calcium I need, but still enjoy the foods I like, and control my weight?

Answer

Q. Now that I have successfully lost the weight (16 lbs!) on Slim•Fast, I'm really hooked on its great taste and good nutrition. How long can I stay on Slim•Fast?

Answer

Q. This is my second week on the Slim•Fast Plan and so far I have lost 6 pounds, *but* I have an unusual amount of gas. Is there anything I can do about this? Is it normal?

Answer

Q. What's the "secret ingredient" in the Slim•Fast Plan that makes it work so well?

Answer

Q. *My doctor has said it's OK to start losing weight after the birth of my baby. Can I use Slim•Fast?*

A. If you are not breast feeding, and if your doctor has given approval, you can start losing weight with the Slim•Fast Plan. The American College of Obstetrics and Gynecologists advises to wait at least 6 weeks after delivery before beginning a weight-loss regime that restricts calories and includes physical activity.

To lose weight with the Slim•Fast Plan, replace one or two meals a day with Slim•Fast shakes or Meal-On-The-Go bars. Accompany each shake or bar with an added piece of fruit, salad or

serving of vegetables. Enjoy 3 healthy snacks daily (total 300 calories) and a sensible dinner (700-800 calories) for a total of approximately 1600 calories daily.

Healthy eating is the key to good health. The Slim•Fast Plan is designed and tested to include a healthy variety of foods, including fruits and vegetables to insure a good intake of phytonutrients as well as vitamins and minerals.

Aim for a weight loss of 1-2 pounds per week. If you are losing more than 2 pounds per week, increase your daily calories.

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Q. *Can I use Slim•Fast while I'm breast feeding?*

- A. A woman who is breast feeding should first consult her physician before undertaking any weight loss program.

Although not recommended as a weight loss product during breast feeding, Slim•Fast can be used as part of a balanced and healthy diet. Slim•Fast shakes can be enjoyed as a snack and as part of a meal or as a dessert or treat. For your own good health and to maximize the nutritional content of your breast milk, your diet should be well-balanced and include protein, vitamins and minerals. Slim•Fast shakes contain protein, calcium and fiber and are fortified with vitamins and minerals. Use Slim•Fast products to complement well-balanced meals and other healthy snacks for a well-balanced diet.

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Q. *How do I jumpstart my weight loss?*

- A. Sometimes we need to see some real progress at the start of a diet to motivate us to keep forging ahead. Research suggests that from a mental perspective, fast weight loss early on can encourage continued success.

- Don't go more than 4 hours without a meal or snack. Fasting leads to bingeing. The best way to prevent cravings is to make sure you don't get hungry. Keep Slim Fast Nutrition Energy Snack bars handy for a quick, delicious snack. Load up on fruit for your kitchen counter fruit bowl, and stock up on baby carrots, fresh veggie sticks and flavored seltzer water.
- Plan your sensible dinner ahead of time. Know what you are going to eat, and what you are not going to eat.
- Eat at least 5 servings of vegetables a day. Think variety. Try some new vegetable or salad green.
- Focus on lean protein: 4-6 ounces for your sensible meal, of seafood, poultry, lean meat or tofu.
- Make your grain selections as natural and unprocessed as possible: brown rice, white or sweet potatoes, whole grains.
- Have 3 pieces of fruit a day for snacks.
- Avoid salt and salty foods. Stay away from canned soups, cheese and salted pretzels.
- Drink lots of water- a minimum of 8 glasses a day. Add a minimum of 8 ounces for every 30 minutes of exercise.
- RATCHET UP THE EXERCISE. If you are walking 4 times a week for 30 minutes, increase that to 6 times a week for 45-60 minutes.

Good luck!

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Q. *How do I know if I am ready to lose weight?*

- A. Your mental attitude is an important factor in your success to lose weight. Take a few minutes to answer the following questions:

1. Do you want to lose weight now because YOU want to, and not because someone else thinks you should?
2. Are you willing to increase regular physical activity?
3. Are you willing to commit a minimum amount of time and effort into planning your sensible meal and snacks?

If you answered yes to these questions, you are ready to begin your weight loss plan.

Starting today, begin the mental, and physical planning to start your diet:

- First, place a picture of yourself, at a lower weight, in a very visible place that you will see daily. When you look at the picture, close your eyes, and get a mental image of yourself at that weight now.
- Second, plan an activity schedule for yourself for the next week. Schedule 30 minutes every day to be physically active. Choose something you enjoy.
- Next, make a grocery list of Slim Fast products, snacks, fruits, vegetables, and staples that you will need for the next several days.
- Lastly, make a mental affirmation of your commitment and desire to lose weight. Your mental thought should be "I can do this, I can lose weight. I will look better and feel better. I will succeed!" Practice saying this mantra to yourself, over and over. Believe it!
- Pick the day that you will start the Slim Fast plan, and attack! You can do it!

Good luck!

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Q. What are the benefits of trimming down?

A. Reducing 5 to 10 percent excess body weight may be enough to lower the risks for many chronic diseases. Even this small weight loss may help lower blood pressure, total and LDL ("bad") cholesterol levels, triglycerides levels and blood sugar. In addition, HDL ("good") cholesterol levels may go up. Weight loss often has emotional benefits too- boosting self-esteem and lowering the risk for depression.

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Q. Once I reach my goal, how do I maintain my weight?

A. Tactics for weight management include healthy eating and regular physical activity. For a healthy, convenient meal, continue to replace one meal a day with a Slim Fast shake, and eat sensibly for the remaining two meals, including 1-2 low-fat snacks.

Research shows that people who include physical activity in their daily routine are more likely to keep the weight off. Moderate activity, such as 30 minutes of brisk walking, vigorous gardening, singles tennis, water aerobics or bicycling will help you to maintain your weight.

Weigh yourself regularly. If you gain a few pounds, restart the Slim Fast weight loss plan, using two Slim Fast meal replacement shakes or Meal On-The-Go Bars a day until you are back at your target weight. Then, enjoy a Slim Fast shake everyday to help you stay healthy, fit and energetic.

Good luck!

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Q. I used Slim Fast for several days and didn't lose much weight. Why?

A. If you are carefully following the Slim Fast Plan for weight loss, and increasing your activity, you are creating a caloric deficit. That is, you are taking in fewer calories than your body requires.

You will lose weight. Keep in mind that different people lose weight at different rates. This is affected by several factors.

If perhaps your weight has been at it's present level for a long time, you may have established a "setpoint", or a weight at which your body feels comfortable. Sometimes it takes a little longer to "budge" from such a weight level. Hang in there and persevere!

Sometimes when you are changing to a different eating pattern, you also may experience a "plateau" where your body is adjusting to different foods. However, be patient! If you are following the Slim•Fast Plan, and increasing your activity, you will lose weight.

Here are some tips to help during these periods:

1. Make sure you are drinking adequate WATER. Drink a minimum of eight glasses a day. Try flavored waters or add a wedge of lemon or lime for variety.
2. Keep a food diary. In a notebook, record all food eaten, including shakes, and snacks. Be honest with yourself and be accurate regarding portion sizes. If you are unknowingly eating more than you should, you will see this immediately.
3. A minimum of 30 minutes a day of physical activity is recommended. Brisk walking, biking, swimming, and aerobics are some examples. During plateaus, increasing your activity to one hour a day will help to accelerate weight loss.
4. Follow the Slim•Fast Plan for weight loss very carefully: 2 shakes, or Meal On-The-Go Bars daily as meal replacements, a sensible dinner of approximately 600 calories and up to three snacks, including 1 Slim Fast snack bar and 2 pieces of fruit (60 to 120 calories each). Make sure you are consuming a minimum of 1200 calories daily! Too low an intake will also cause problems as it may lower your metabolism. You need fuel (calories) to boost your metabolism. So, make sure you are eating enough. A food diary will help here, too.

Good luck!

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Q. How long can I use Slim•Fast ?

- A. Slim•Fast is a nutritionally balanced, meal replacement. Slim•Fast can be used indefinitely to help maintain a healthy diet. To keep the weight off, you can continue to enjoy meal replacements each day, along with sensible foods, for as long as you choose. However, if you're losing more than 2 lbs per week, increase your caloric intake. After reaching your goal weight, continue using Slim•Fast for maintenance to keep the weight off! See [The Plan](#) section for detailed information on weight loss and weight maintenance.

Every individual is different and will experience different results when following the Slim•Fast Plan. If you want to lose weight and are under 18, pregnant, nursing, following a diet recommended by a doctor, have health problems or want to lose more than 30 pounds, see a doctor before starting the Slim•Fast Plan or any diet. Do not lose more than two pounds per week after the first week. Rapid weight loss may cause health problems. Also, do not use Slim•Fast as a sole source of nutrition and eat at least 1,200 calories per day.

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Q. Can I use Slim•Fast if I'm taking medication for weight loss?

- A. Yes. Remember, Slim•Fast is food. It is not a drug or an appetite suppressant. If your doctor has prescribed a drug for weight control, a change in diet and activity may help you lose weight and feel better. More important, Slim•Fast meal replacements can help you reduce your caloric intake to lose or maintain your weight over the long term. Even after you have completed your prescription weight-loss therapy, Slim•Fast meal replacements can be useful to help maintain the weight loss. Because your doctor may have a specific plan in mind for you, you should let him/her know that you would like to use Slim•Fast with your weight-control program.

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Q. How much fiber do I need? Does fiber cause gas?

- A. The Food and Nutrition Board of the National Academy of Sciences recommends a diet containing 25 grams of fiber each day. Most Americans consume only half the recommended daily intake of fiber and it is possible that increasing the fiber in your diet may result in transient increase in gas formation. Should you experience an increase in gas production, you may want to use the lower-fiber Slim-Fast powder and then transition to Ultra Slim-Fast after your body adjusts to the increased fiber. Increased gas formation may also occur in some individuals who cannot tolerate the natural milk sugar (lactose) present in the milk based products. If so, try the juice products... orange pineapple, apple-cranberry-raspberry or orange-strawberry-banana shakes.

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Q. Do I need special foods for exercise? What about Slim-Fast?

- A. It's important to think about what you eat before and after exercise. However, no "special foods" are necessary. For sports as well as for everyday living, carbohydrates are the body's main energy source. Carbohydrates are broken down during digestion and changed to blood sugar, which is used immediately for energy. The rest is stored as muscle and liver glycogen, to be used at a later time.

Carbohydrates from food include both complex carbohydrates (starches) and sugars. Complex carbohydrates are found in vegetables, cereal, breads, rice, pasta, and legumes. Simple sugars are found in fruit, fruit juices, milk, cookies, cake, candy and soft drinks, among other foods. Your daily diet should include 55-60% of calories from carbohydrates. So, everyday, eat high-carbohydrate meals and snacks to fuel your muscles. Depending upon your schedule, the timing of the meal or snack should be 1-3 hours before exercise.

The amount of fuel you need will be based upon the intensity and duration of your exercise. The larger your meal or snack, the longer you should allow for digestion before exercise.

Caution: Avoid simple carbohydrates, such as soft drinks or candy, within an hour before exercise, as they may cause a drop in blood sugar, leading to fatigue. Also, such simple sugars, while they do supply immediate energy, offer no nutritional value.

Choose high-starch, low-fat foods such as whole grain breads, bagels, crackers, pasta, rice and other grains, starchy vegetables (corn, peas, potatoes), and legumes (beans and lentils). In addition to supplying energy-laden carbohydrates, these foods also supply fiber as well as vitamins and minerals. Fruits, fruit juices and milk also supply vitamins and minerals, too. Combine these carbohydrate foods with lean protein: 1/2 turkey sandwich, cereal and milk, peanut butter and banana, low-fat crackers and reduced fat cheese.

An Ultra Slim-Fast shake, a mix of simple and complex carbohydrate, is an excellent pre-workout light meal. It is readily absorbed, supplies fuel (carbohydrate), protein, vitamins and minerals, and fiber. Because it is a liquid, it also replenishes fluids before exercise.

What you eat and drink after a workout is as important as what you eat before your routine. To build endurance for the next workout, refuel your muscles with carbohydrates. Within the first several hours after competition or a heavy workout, foods high in carbohydrates are recommended. To replenish muscle glycogen (stored energy), the sooner you eat, the better. Complex carbohydrates, such as breads, cereals, rice, pasta and grains, are the most valuable food sources to accomplish this goal. Fluid replacement is equally important. Drink 2 cups of water for every 1 pound of weight lost through sweat.

One 11 fl. oz serving of Ultra Slim-Fast Ready-to-Drink shake contains up to 46 grams of carbohydrate, supplying fluids, energy, protein, vitamins, minerals and fiber to protect your health and build endurance for your next workout. It is a convenient, delicious and perfect post-workout food.

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Q. For the Slim•Fast sensible dinner, you recommend having 1/2 baked potato as part of the meal. Since I don't care for potatoes, can I substitute something else?

A. Yes, you may substitute a different starch or grain in the meal plan. Starches and grains provide carbohydrates and a source of energy; most are also good sources of B vitamins, fiber and supply some protein.

Here are other starch/grain suggestions and portion sizes:

- 1/3 cup rice (white or brown)
- 1/2 cup pasta, spaghetti, macaroni or noodles
- 1 small baked or boiled potato (or 1/2 large, or 3 oz.)
- 1/2 cup bulgur, couscous, or millet
- 1/2 cup corn or peas
- 1/3 cup baked beans
- 1/2 cup mashed potato
- 1/2 cup plantain
- 1 cup winter squash
- 1/2 cup yam or sweet potato
- 1/2 cup beans (garbanzo, pinto, kidney, split, black-eyed)
- 2/3 cup lima beans [Back to Top](#)

Q. I am on the Slim•Fast Plan for weight loss and usually have my sensible meal in the evening with my family. But sometimes I have a business meeting and luncheon. What do I do on these days?

A. Because the Slim•Fast Plan is flexible, you can have your "sensible meal" at lunchtime and then have your second shake in the evening. Accompany your evening shake with a large salad, or steamed vegetables or a piece of fruit, and enjoy this Slim•Fast meal with your family. This is one of the advantages of the plan: it is flexible to fit your needs. [Back to Top](#)

Q. As a woman, I am naturally concerned about getting adequate calcium for my bones. I love cheese, which is rich in calcium, but also high in fat.

Fat-free cheeses are a great idea, but don't always taste terrific. How can I make sure I get the calcium I need, but still enjoy the foods I like, and control my weight?

A. The good news is that today's woman can have it all! With the motto "All foods can fit", contemporary nutritionists remind us to eat the foods we enjoy. Those foods that are high in fat should be eaten moderately, in small quantities, balanced with low-fat foods. This means that you can enjoy a tiny quantity of rich cheese grated over the top of a pasta dish, or salad. Balance this with low-fat foods and look towards lower calorie and lower fat sources of calcium, such as nonfat yogurt, fat-free milk, tofu, canned salmon, calcium-fortified orange juice and Ultra Slim•Fast shakes.

Each Ready-to-Drink Ultra Slim•Fast shake contains 40% of the Daily Value for calcium with 220 calories per serving. Meal-on-the-Go bars are also calcium fortified, containing 30% of the Daily Value for calcium and are a convenient, nutritious meal. [Back to Top](#)

Q. Now that I have successfully lost the weight (16 lb!) on Slim•Fast, I'm really hooked on its great taste and good nutrition. How long can I stay on Slim•Fast?

A. Congratulations on your success!

Now that you have lost your desired weight, you can continue with Slim•Fast, once a day, everyday. A Slim•Fast shake is basically a fortified milk drink, containing essential vitamins, minerals and fiber, with 200-220 calories. As such, it is really a healthy, low-fat food, that you can continue to enjoy and plan to use everyday.

For example, you can continue to use it as a meal replacement, for one meal a day, to help maintain your new weight. Also, Slim•Fast can be used as a supplement, after exercise, to

replenish energy stores. Or, perhaps you are craving a chocolate treat, but want something "good for you", too. Pour a Slim•Fast shake over ice, or enjoy a Nutrition Energy Snack Bar or a Meal-on-the-Go bar. Because of its excellent nutrition profile, Slim•Fast can continue to be part of your life - forever. Enjoy! [Back to Top](#)

- Q. *This is my second week on the Slim•Fast Plan and so far I have lost 6 pounds, but I have an unusual amount of gas. Is there anything I can do about this? Is it normal?*

- A. Congratulations on your weight loss! You are off to a good start!

Intestinal gas may be the result of transitioning to a high-fiber diet. With some simple changes, it will subside. Because Ultra Slim•Fast is a good source of fiber (4-5 grams per shake), your system may not be accustomed to such an abrupt increase in fiber. There are a few ways to gradually help your digestive system adjust:

If you are enjoying two Ready-to-Drink Slim•Fast shakes daily, start with one per day as a meal replacement. Eat moderately, enjoying low-fat foods, for the remaining meals. Gradually, over the course of a week or so, increase to two shakes daily for meals. Or, try replacing a meal with a Meal-on-the-Go bar, which has similar nutritional value as a shake, but less fiber than a shake.

Temporarily replace fresh fruits and vegetables with cooked, frozen or canned. Remember to drink adequate water (8 glasses daily) to help facilitate the work of fiber. Exercise and regular activity help in this area as well, in addition to being an important part of the plan for permanent weight control.

Once you are comfortable, increase your fiber intake with another shake, and resume with fresh fruits and vegetables. [Back to Top](#)

- Q. *What's the "secret ingredient" in the Slim•Fast Plan that makes it work so well?*

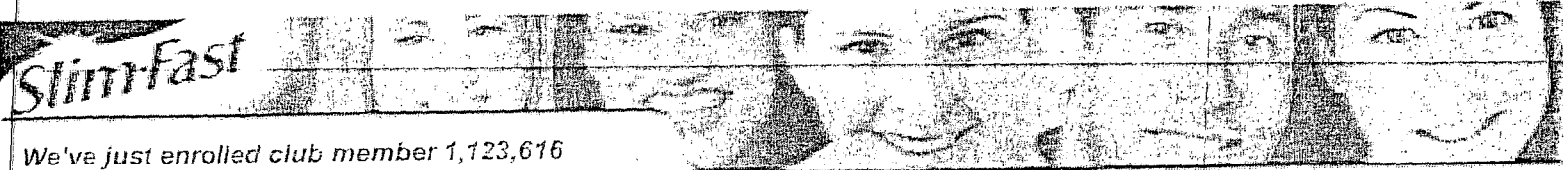
- A. The secret ingredient is... **balanced nutrition!** Slim•Fast milk-based ready-to-drink shakes are made from fat-free milk and are fortified with vitamins, minerals and fiber. They contain **no** drugs, stimulants or appetite suppressants. Slim•Fast shakes work because they supply the daily nutrition you need, while keeping your caloric and fat intake to a minimum. Slim•Fast milk-based ready-to-drink shakes are healthy, providing 35% of the Daily Value for 18 essential vitamins and minerals and 20% of the Daily Value for fiber. These shakes are an excellent source of calcium and anti-oxidant vitamins C and E and a good source of complete protein.

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It's your life.
Feed it right.

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We've just enrolled club member 1,123,616

November 12, 2002

MEMBERS
SIGN IN!

CHATS

SLIM-FAST HOME

Chat Transcript

The following is a transcript of a live chat held on October 07, 2002 featuring Brigid Foley, RD

Slim Fast: Here is your chance to chat with Brigid Foley, a Registered Dietitian and a Slim Fast expert.

Slim Fast: Is there something you have always wondered about Slim Fast but didn't know where to get an answer? You have come to the right place! Whether it is regarding Slim Fast products or the Slim Fast Easy Options Plan, Brigid is here today to provide you with real answers.



Brigid: Hello, welcome everyone to the chat. Feel free to ask me anything about our plans, our products, or anything you've ever wanted to know about Slim Fast. Let's begin!

Smiley: Does Slim Fast have caffeine in it? Caffeine is not listed in the ingredients.

Brigid: Slim Fast does not add caffeine to any of our products. There is caffeine that occurs naturally in chocolate and coffee, so any of our chocolate or coffee flavored products will contain caffeine naturally. The caffeine content of our products is as follows: all bars have less than 5 mg (milligrams) of caffeine, chocolate flavored shakes have approximately 15 mg, Cappuccino Delight has about 40 mg, and Café Mocha lactose free powder with soy protein contains approximately 60 mg.

Spackle: I can't find certain flavors in the store. Where/how can I get the flavors that I can't find?

Brigid: Each store determines the products that they will order, based on their consumers' needs or requests, or the amount that consumers purchase. All in all, most stores stock the more popular flavors, so it may be hard to find a flavor that you are looking for. But feel free to ask your store manager if they can order that flavor for you. Slim Fast is also sold through some online retailers, at cvs.com and drugstore.com. If you have a specific flavor that you can't find, you can email us with the product and your zip code and we can let you know the stores that have ordered that flavor recently. Go to <http://www.Slim-Fast.com/contact/contact.asp> and fill out the comment form.

Ali Baba: Can I freeze Slim Fast shakes?

Brigid: We do not recommend that you freeze Slim Fast overnight and let it melt back down to liquid form because it may affect the quality and texture of the product. On the other hand, feel free to enjoy Slim Fast as a slushy shake. Put it in the freezer for 30-60 minutes, and eat it as a nutritious ice cream.

Lush: Does Slim Fast have low carbohydrate products?

Brigid: We do have a product with reduced sugar and carbohydrate. It's called Slim Fast Powder made with soy protein, lactose free, and it comes in two flavors - Chocolate Delight and Cafe Mocha.

Eggable: Is the cholesterol in Slim Fast going to raise my cholesterol? I have high cholesterol.

Brigid: If you have a medical condition including high cholesterol, it is important to check with your physician before starting to use Slim Fast products or follow the Slim Fast Easy Options Plan. Our products and our plan follow the premise for healthy dieting which includes a plan low in saturated fat and in total fat and cholesterol, so potentially, it may be appropriate for you to use with your doctor's approval.

Viola: I am lactose intolerant. Can I use Slim Fast?

Brigid: We do have a line of lactose-free Slim Fast products. You can differentiate these products from the others because on the label it says in big green letters "with Soy Protein." There are two soy protein powders and three Ready to Drink flavors that are each lactose-free. Since people can tolerate varying levels of lactose in their diets, some consumers find they can use a Lactaid tablet or pill with their first sip of our milk-based Slim Fast products,

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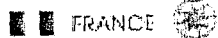
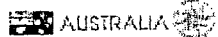
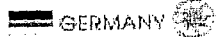
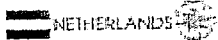
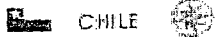
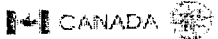
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and it will help alleviate symptoms of milk intolerance. This may be something that will work for you.

Wilma: Is eating breakfast really that important when losing weight?

Brigid: You want to begin your day by feeding your body calories and nutrients to get you going. Skipping breakfast or meals signals the body to conserve calories. So, it is important to have breakfast. It also prevents you from getting so hungry later on in the day that you feel you want to grab anything.

Joelle: I am a vegan and I'm thinking about going on your program. I know that you have soy based products, but are they vegan?

Brigid: We have now established kosher pareve status for our Slim Fast Ready-to-Drink juice flavors made with soy protein, lactose-free. This means that these products are made on their own line and do not contain any milk ingredients, and are processed on their own line to eliminate the possibility of cross-contamination from milk products. Our Chocolate Delite, which is our chocolate-flavored lactose-free powder made with soy protein, is made in plants that also produce milk products, therefore this product does not have any added milk, but is produced in plants that produce milk on that line.

Cassie: Ok, I know I don't have the best eating habits - so how can I make the first steps towards losing weight and being healthy? Will Slim Fast make it easier?

Brigid: Yes, Slim Fast provides you a way to control your calorie intake while getting good nutrition. Sometimes this can be challenging when you have to measure and portion foods to make sure you're getting balanced meals. Using Slim Fast can help you take the guesswork out of portion control, while giving you a product that tastes good as well.

Maybe1: I get very hungry between Slim Fast meals and snacks. What can I do?

Brigid: You want to make sure that you're having at least 2-3 snacks on the Slim Fast plan. If you feel that you need more, and if you're already getting 3 snacks a day, feel free to have a piece of fruit or a small side salad with your Slim Fast Meal Option to help you get some more fiber and a few extra calories without going overboard. Make sure you are also drinking plenty of water because sometimes we can mistake thirst for hunger.

Veggie Woman: Is it okay to have three Slim Fast meals a day once in a while? Let's say I have to go to someone else's place and I can't have what they are serving?

Brigid: We recommend that you do indeed have a sensible meal, and not just a Slim Fast shake for your third meal of the day. If you only have three Slim Fast shakes, you will not be getting the recommended minimum of 1200 calories per day. Try to load up on healthier food choices such as fruits and vegetables, and low-fat snacks such as pretzels or popcorn when you're at a gathering, before you get to the dessert table! This will help you from being tempted to eat the things you hadn't planned on having.

Maybe1: My husband is a diabetic. Slim Fast is high in carbohydrates. Is it okay for him?

Brigid: Clinical studies suggest that the use of Slim Fast products is indeed safe for diabetics to use under the supervision of their doctors. Our products have also been evaluated by the American Diabetes Association and assigned diabetic exchanges for use in meal planning. The level of carbohydrates in a Slim Fast shake is not too high for most people when used as a meal replacement. Because a diabetic diet has to be individualized, it is important that a person with diabetes consult their doctor before starting to use Slim Fast and for guidance on how to incorporate Slim Fast products into their diet.

Tony Graf: What is the shelf life of a Slim Fast- an unopened package and one that has been opened?

Brigid: All of our Slim Fast products have a Best Used By date underneath the shake cans and powder cans, or on the boxes of our shakes and bars and also on the wrappers of most of the bars. We advise that you use the products by their Best Used By date, so that you're getting the high quality and good taste of Slim Fast, and also the nutritional benefit of our products. Once you open the can of powder, make sure to keep it in a cool dry place, such as a pantry. The powder will be of good quality if kept in cool dry place until its Best Used By date even if it is open.

Julie: What is the Easy Options Plan?

Brigid: In a nutshell, the Easy Options Plan consists of substituting two meals a day with a Slim Fast Meal Option. (a Meal On-The-Go Bar, Chewy Granola Bar, or a Shake), and for the third meal to follow the guidelines for the sensible meal, and also incorporating 2-3 snacks for in between meals. We also recommend you drink plenty of water or calorie-free beverages throughout the day and that you exercise or engage in some kind of physical activity daily for a minimum of 30 minutes. Even walking is considered good exercise, so don't feel you have to go run a marathon!

Judi: Sometimes I'm unable to get to my Slim Fast drink, but I always can carry an extra meal bar with me, is it okay to eat two meal bars in a day and miss the shake?

Brigid: Certainly! You can choose any of our Meal Options to substitute a meal. You do not have to use the Slim Fast Shakes only on our plan. You can use Meal On-The-Go Bars or our new Chewy Granola Bars as a meal replacement.

Heathcliff: My child likes the taste of Slim Fast. Is it safe to give it to him/her?

Brigid: Slim Fast does not contain any drugs, stimulants, or appetite-suppressants, therefore Slim Fast is safe for children who want to use Slim Fast as a snack. Because they need adequate calories for growth and development, we do not recommend that children and teenagers under the age of 18 restrict their calories using

Slim Fast products, unless under the direction of their pediatrician and/or registered dietitian. A child's health care professional is qualified to assess their individual needs and make decisions for dietary restrictions.

Vette: I need more protein than is in Slim Fast, what do you recommend?

Brigid: You can incorporate snacks within the Easy Options Plan that are high in protein. These include snacks such as non-fat yogurt, 1 ounce of low-fat cheese (like low-fat string cheese), non-fat cottage cheese, or perhaps a handful of soy nuts if you'd like to incorporate soy protein into your diet. You can also choose to use Slim Fast lactose free powders made with soy protein, which come in Chocolate Delite and Café Mocha flavors, as meal replacements because they provide a higher level of protein (15 grams per serving) than our other products.

Stacy: I have reached a point where I can't get off the last 5-10 pounds. What do you suggest?

Brigid: Essentially, in order to continue losing fat, you will have to be more deficient in calories. You'll either have to decrease your calorie intake, or increase your exercise (for example an extra 15 minutes of activity). A combination of both will be helpful. Another suggestion would be to keep a daily food record. Without realizing it, you may be adding an extra portion or snack in your day. Our website, www.SlimFast.com, has a Food Diary section in which you can enter the foods that you consume throughout the day to help track to see if you're following the plan correctly. Log onto SlimFast.com and become a Slim Fast club member, where you can benefit from features such as the food diary, a weight chart (and weekly weigh-in reminder email messages) and a wonderful buddy system.

Marion P: Dear Brigid, I was told recently that using SF products is giving my body a large amount of Vitamin A. True or false?

Brigid: Our Slim Fast products were designed to replace the nutrients that you would be consuming at a healthy meal. The level of Vitamin A in our products varies from 15 to 50% of the daily value for Vitamin A. Essentially, if you're having two shakes a day, and following the guidelines for snacks and the sensible meal, you will be consuming approximately 100% of the recommended daily value of Vitamin A. Therefore, if you follow the plan correctly, you would not be exceeding the recommended daily value. If you have a medical condition that may limit the amount of Vitamin A you can safely consume, it is important you consult your physician regarding the use of Slim Fast products and to determine the level of Vitamin A that is appropriate for you.

Maybe1: I am having a problem with constipation on Slim Fast. What can I do?

Brigid: Constipation can be the result of making changes or introducing new foods to your diet. It also can be the result of not getting enough fiber in the diet, or getting an adequate amount of fiber but perhaps not enough fluid. If constipation is the result of a change in your eating habits, your body will eventually adjust to a new eating plan. For the remaining, you want to make sure you're getting plenty of fluid. Additionally, regular exercise and incorporating foods high in fiber associated with the Easy Options Plan will help promote regularity.

Dieter: Can I use Slim Fast to gain weight?

Brigid: You sure can! Since Slim Fast does not have any drugs or stimulants to cause a person to lose weight, there is no rule that says Slim Fast cannot be used to get extra calories and nutrition in your day. Feel free to create your own Slim Fast smoothie with low-fat milk and a piece of fruit, or to use a shake, Meal On-The-Go Bar, or Chewy Granola Bar between meals as a snack to help you get extra calories to gain weight.

Paperback Writer: How long can I use Slim Fast products?

Brigid: Slim Fast can be used indefinitely. Our Slim Fast Easy Options Plan is clinically proven to promote safe weight loss and overall health. You can stay on the Plan as long as necessary to help you control calories until you reach your goal weight.

Jam: So, can you heat it?

Brigid: Yes, especially in the winter, when you're wanting something hot, feel free to heat Slim Fast shakes, as long as you don't bring them to a boil because some of those vitamins and minerals are heat-sensitive at boiling temperatures. I'd recommend putting your shake in the microwave for about 15 seconds at a time until it reaches the desired temperature just make sure you don't put it in for a couple of minutes and accidentally bring it to a boil! If you're using the powdered shakes, I'd recommend you heat the liquid first, and then add powder to the warm liquid.

Hungry: I have high blood pressure. Can I use Slim Fast?

Brigid: Hungry, it is important that you check with your physician about using Slim Fast products or our Easy Options Plan. Your doctor may have a level of sodium that he/she recommends you stay under for the day. Our Slim Fast products are low in sodium, yet provide the nutrients you need for a complete meal. So you may be able to incorporate our products into your diet with your doctor's approval and supervision.

Corinder: I am pregnant/nursing, can I use Slim Fast?

Brigid: You can certainly use Slim Fast as an extra snack because it is safe. We do not recommend that you use Slim Fast for dieting if you are pregnant or nursing. If you are nursing and wanting to lose weight, consult your physician about a plan appropriate for you, which may incorporate Slim Fast products.

Jill: How do I know which bars are 'snacks' or are supposed to be 'meals'?

Brigid: Our packaging says Slim Fast "Meal Options" or Slim Fast "Snack Options." If you have not noticed, we have made changes to our labels, and all our new labeling will indicate if it's a "Meal Option" or a "Snack Option" right under the Slim Fast logo.

Quilla: If I am using water to mix with the soy protein powder is that part of the 8 glasses a day?

Brigid: We recommend that you have plenty of water throughout the day for adequate hydration in addition to the fluids you drink from your shakes. Feel free to drink water with lemon, sparkling flavored waters, or other calorie-free beverages such as diet soda (or "pop" for your Northerners!), Crystal Light, or iced tea with artificial sweetener.

Asha: If I follow the Easy Options Plan does that mean I can kiss the calorie counter book goodbye?

Brigid: Yes, it is true; the Easy Options Plan does not require you to count every calorie. As long as you are following the guidelines in our plan, you will be consuming a daily level of calories that most women can lose about a pound or two a week. On the other hand, if you are going to be deviating from the examples in our Easy Options Plan, it is important to be aware of how many calories you are consuming at snack times and for your sensible meals. Each snack should fall within the range of 60-150 calories, and a sensible meal should provide 500-700 calories. The plan can be adjusted based on your individual calorie needs, therefore, we provide calorie ranges.

Maddy: Can you mix the powder with diet soda?

Brigid: We recommend that you mix our powders that are intended to go with milk, with milk, according to the directions. We formulated that powder to be compatible with the nutrients and the calories that an 8-ounce glass of skim milk will add. If you mix diet soda with the powder, you will be missing the nutrients and calories for your meal. If you are using our lactose-free powders made with soy protein, feel free to mix that powder with diet soda because we instruct you to mix with water and a shake mixed with diet soda will not be lacking in nutrients or calories.

Way Too Fat: I am confused about how many servings of fruit and veggies to eat a day.

Brigid: General healthy dieting recommendations are to consume at least 5 servings of fruits and vegetables a day, but feel free to incorporate more than 5! A serving of fruit is a medium sized piece of fruit, 3/4 cup of fruit juice, 1/2 cup of cut-up fresh fruit, or 1/2 cup cooked or canned fruit. A serving of vegetables, for example, is 1 cup of raw leafy vegetables, 1/2 cup chopped raw non-leafy vegetables, 1/2 cup cooked vegetables, or 1/4 cup of vegetable juice. I assure you, you will be receiving the recommended 5 servings a day (if not more) on our Slim Fast Easy Options Plan!

Efm: Is it important to look for low fat and low carb foods for dinner, or is it sufficient to just monitor the calories?

Brigid: Essentially, when you're dieting, you want to incorporate a variety of foods while controlling portions. Our Sensible Meals consist of a controlled portion of lean meat, as well as a starch serving, vegetables, salad, and fruit, thereby giving you a balance of foods associated with the Food Guide Pyramid without cutting out any of the major food groups. So to answer your question, we recommend controlling your portions and getting a variety of foods in order to control your calorie intake while getting good nutrition. Look under "Success Tips" at Slim Fast.com for more information on portion sizes and portion control.

Mary: I'm concerned about the sugar content in your product. Do I have a worry or not?

Brigid: The sugars in Slim Fast are from a combination of different sources. The sugar listed on the Nutrition Facts panel is derived from a combination of simple sugars which include milk sugar (lactose), fruit sugar (fructose), and sucrose for flavor. Health experts recommend that 50-60% of our daily calories come from carbohydrates, and sugars are carbohydrates and are a source of available energy for the body. The sugars and carbohydrates in Slim Fast are at a level that is not too high, as it is important to consider you are replacing the carbohydrates you would be consuming at a meal. It's important to know that sugar under total carbohydrates is not exclusively from table sugar. As I stated, we do have a product with reduced sugar that may better fit your needs, if this is a concern. Our Slim Fast Powder with Soy Protein has a lower amount of sugar and carbohydrate and comes in Chocolate Delite and Cafe Mocha flavors.

Jus' Funin': Is it ok to drink more water than 6 to 8 glasses a day? And if you do will it help you to lose more weight?

Brigid: Water helps you stay hydrated, and does not necessarily cause you to lose weight. Some people find that drinking a glass of water before their meal or snack can help fill them up so they're not tempted to overeat. But it is not necessary to go over the recommended amount unless you are outside in the hot sun all day, or are sweating excessively. Getting more water in your diet than the recommended amount will not necessarily help you lose weight.

Vicki: I have high cholesterol. Will this diet plan help me to lower the cholesterol level?

Brigid: Our Slim Fast Easy Options Plan was designed by doctors and dietitians and we follow the recommendations for healthy eating in designing a diet that provides the recommended level of fiber and is low in saturated fat and cholesterol. With your doctor's approval, the Slim Fast plan may be a tool to help you live a healthier lifestyle and may help you to lower your cholesterol. Please be aware that "may" is the key word here; because everyone is different and has a unique medical history, and your blood cholesterol levels may be affected by other factors at play that are not diet-related.

Jam: Is the nutritional make-up of bars and shakes the same?

Brigid: Jam, in general, the products can be interchanged to replace a meal. There may be slight variations of vitamins, minerals, carbohydrates, protein, etc. but not a significant difference. I always recommend getting a variety of foods for snacks, meal options, and the sensible meal, so you can have the full benefit of what each

food and Slim Fast product has to offer. Basically, consuming a variety of foods is more beneficial nutritionally than eating just single food items consistently.

Sandra: Is that 5 servings each of fruits and vegetables or 5 servings combined?

Brigid: That's 5 servings combined. If you're still hungry, you can eat more fruits and vegetables. The recommended minimum is 5 servings a day for better health and cancer prevention.

Victoria: Do you get a lot of gas when taking this? My friends and I do.

Brigid: Victoria, gas can be the result of increasing fiber in your diet or if your body is not accustomed to digesting a significant amount of milk. So, there is nothing in Slim Fast to cause gas for everyone, but more of your own body's reaction to increasing fiber or incorporating our Slim Fast milk-based products if you're not accustomed to drinking a full glass of milk on an empty stomach. People have varying levels of lactose intolerance. Some may tolerate the Meal On-The-Go Bars which have a low level of lactose, yet not be able to tolerate as well the Ready to Drink milk-based. Some like to stick to the lactose-free Slim Fast products. Regarding the fiber, if you do not have a problem with tolerating milk, it is recommended that you gradually increase your fiber. Instead of consuming fresh fruits or vegetables, incorporate cooked or canned. Also, use our Meal On-The-Go Bars or our Chewy Granola Bars in the meantime, which have a lower level of fiber than our Ready-to-Drink shakes and Ultra Powder shakes. You can slowly increase your fiber until you find a level in which you are comfortable.

Peppermint: How many lbs. will I lose on Slim Fast? How much weight can I lose in a month?

Brigid: Everyone loses weight at different rates. Also, everyone follows our plan differently. Most women can lose about a pound or two a week on our Slim Fast plan. If you're losing two pounds a week, then in a month you could lose at most eight pounds. If you're losing weight faster than two pounds a week after the first week, we recommend you increase your calorie intake so as not to lose too rapidly and risk health complications. You can continue to lose weight at the healthy rate of 1-2 pounds a week until you reach your goal weight. Also, if you have more than 30 pounds to lose, it's important to check with your physician for a checkup before you start the plan. Those who have more than 30 pounds to lose tend to be at a higher risk for other medical conditions, and it's important that your physician is monitoring your health on your diet.

Jazz: Can I use Slim Fast with my medication?

Brigid: Again, it is important that you ask your physician and/or pharmacist about the use of your medication with Slim Fast products. Not only does your diet have to be specialized because of your medical condition, but there are some medications that may have nutrient interaction, therefore it's important that your physician evaluate your medication and approve the use of Slim Fast products.

Whirlybird: Does Slim Fast suppress your appetite? What is in there that makes you lose weight? Is it safe?

Brigid: There is nothing in Slim Fast to suppress your appetite, as there are no drugs or stimulants. Slim Fast helps you control your calorie intake safely while getting good nutrition. There is fiber in Slim Fast, and incorporating Slim Fast and the extra fiber-rich fruits and vegetables in your diet will also help you feel full while dieting. But there is nothing that is going to "melt off" the fat. Your body will utilize your fat stores for energy when you create a calorie deficit by eating fewer calories and/or increasing your physical activity.

Slim Fast: Thank you so much for this chat! Unfortunately, we're almost out of time. Do you have any parting words for our audience?

Brigid: Thank you for joining us today! I hope our discussion has helped clarify your questions about Slim Fast. I commend you for making the efforts to live a healthy lifestyle. After all, you have the power to take charge of your health and your life, and asking questions is the first step in knowing what is right for you.

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Ser./App. No.	76-253981
Int'l Class	5 - Pharmaceuticals
Goods/Services	MINTS, CANDY, AND CHEWING GUM CONTAINING APPETITE SUPPRESSANTS
U.S. Class	6, 18, 44, 46, 51, 52
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Published (Last)	Sep 24, 2002
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Plaintiff	LIPTON INVESTMENTS, INC. AND CONOPCO, ININC. DBA SLIM-FAST FOODS COMPANY
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